

FILED
US DISTRICT COURT
DISTRICT OF ALASKA

2005 DEC -7 PM 4:16

Sue Ellen Tatter
Assistant Federal Defender
FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF ALASKA
550 W. Seventh Avenue, Suite 1600
Anchorage, Alaska 99501
(907) 646-3400

Attorney for Defendant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES A. JACKSON, SR.

Defendant.

NO. A05-0082 CR (JWS)

**JOINT AND NON-OPPOSED
MOTION FOR HEARING TO
VACATE TRIAL DATE AND SET
CHANGE OF PLEA AND
SENTENCING IN EARLY
FEBRUARY,**

Filed on Shortened Time

The defendant, James A. Jackson, Sr., through counsel, moves this court for a hearing to consider both a change of plea and sentencing during the first week of February, 2006. This request is made in the interest of judicial economy and is joined by Assistant U.S. Attorney Karen Loeffler and is non-opposed by Tim Astle from Federal Probation. Mr. Jackson requests that the trial date and the pretrial conference, both set December 19, 2006, be vacated.

The goal of this motion is to avoid forcing Mr. Jackson, who is indigent, to make two trips to Anchorage. Mr. Jackson resides in Ketchikan. He is sufficiently indigent to qualify for court-appointed counsel. Travel to Anchorage will be an expensive event for him, and he wishes to resolve this case with one trip to Anchorage.

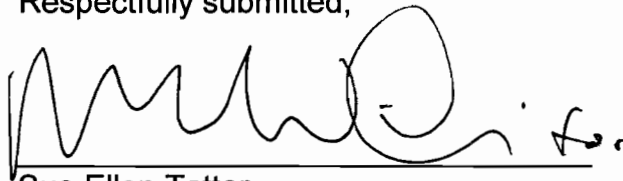
In aid of this goal, Mr. Jackson has undertaken to begin the presentence report process in November. He has already been interviewed. According to Mr. Astle of Federal Probation, the PSR cannot be completed before January, and his present timeline for preparation of the report can be met by an early February sentencing date.

As previously filed in his Notice to the court, Mr. Jackson intends to plead guilty to the sole count in the Information. The case has a fast track quality to it, involving no litigation and a single allegation of the theft of a relatively small amount of money. In fact, the victim of the offense has already received full restitution from Mr. Jackson.

The filing of this motion tolls any speedy trial considerations. In the interest of judicial economy, the parties request that the matter be set for a unitary change of plea and sentencing in Anchorage for the first week of February, 2006.

DATED this 7th day of December 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sue Ellen Tatter', with a large, stylized loop at the end.

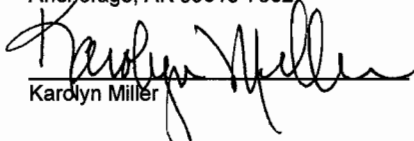
Sue Ellen Tatter
Assistant Federal Defender

Certification:

I certify that on December 7, 2005,
I hand delivered a copy of this document to:

Karen Loeffler
Assistant United States Attorney
U.S. Attorney's Office
222 West Seventh Avenue #9, Room 253
Anchorage, AK 99513-7567

Tim Astle
Probation Officer
U.S. Probation & Pretrial Services
222 W. 7th Avenue, #48, Room 168
Anchorage, AK 99513-7562


Karolyn Miller

Sue Ellen Tatter
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Attorney for Defendant

UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES A. JACKSON, SR.

Defendant.

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

NO. A05-0082 CR (JWS)

AFFIDAVIT OF COUNSEL

ss:

Michael Dieni, being first duly sworn upon oath, deposes and states:

1. I am the attorney temporarily substituting for Sue Ellen Tatter in the
above-captioned case.

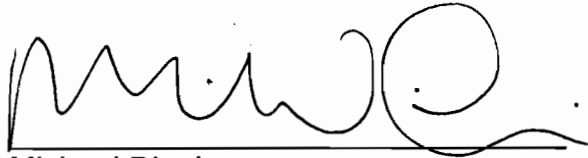
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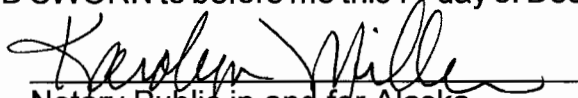
2. The facts set forth in the attached motion to vacate trial date and set hearing in early February are true and accurate to the best of my knowledge and belief.

FURTHER YOUR AFFIANT SAYETH NAUGHT.



Michael Dieni

SUBSCRIBED AND SWORN to before me this 7th day of December 2005.



Notary Public in and for Alaska
My Commission Expires: 12/20/2008

